

JUL 11 2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10992120-4

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Beck et al.

Confirmation No.: 4419

Application No.: 10/705,301

Examiner: L. Nguyen

Filing Date: 11/10/03

Group Art Unit: 2853

Title: INTEGRATED CONTROL OF POWER DELIVERY FOR FIRING RESISTORS FOR PRINTHEAD
ASSEMBLY (as amended)

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on May 11, 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

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Typed Name: Doreen Zabinski

Signature: Doreen Zabinski

Respectfully submitted,

Beck et al.

By Petar Kraguljac

Petar Kraguljac

Attorney/Agent for Applicant(s)

Reg No. : 38,520

Date : 7/11/06

Telephone : (216) 348-5843

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By Petar Kraguljac

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Appl. No. 10/705,301
Reply Brief Dated July 11, 2006

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: L. Nguyen
Beck et al.)	
)	Art Unit: 2853
Serial No.: 10/705,301)	
)	
Filed: November 10, 2003)	
)	
For: Integrated Control Of Power Delivery)	
For Firing Resistors For Printhead)	
Assembly (As Amended))	
)	
Date of Final Office Action:)	Attorney Docket No.:
August 15, 2005)	10992120-4
)	
Date of Examiner's Answer:)	
May 11, 2006)	

Today's Date:
July 11, 2006

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is timely provided two months from the mailing date of the Examiner's Answer dated May 11, 2006.

CERTIFICATE OF FACSIMILE

Date of Deposit: July 11, 2006

I hereby certify that these papers are being transmitted to The Patent and Trademark Office facsimile number (571) 273-8300 on July 11, 2006.

Doreen Zabinski
Doreen Zabinski

Appl No. 10/705,301
Reply Brief Dated July 11, 2006

Reply

In response to the Examiner's Answer, dated May 11, 2006, Appellant respectfully submits the following reply. The Examiner's Answer contained no new grounds of rejection and this response contains no new amendment or non-admitted evidence. The following sections address the Examiner's Answer in order by topic as they appear in the Answer.

A. MPEP §2141.03: Ascertaining And Describing The Level Of Ordinary Skill In The Art

On page 7 of the Examiner's Answer, the response indicates that the level of ordinary skill in the art has been ascertained as "ordinary." Ascertaining the "level of ordinary skill" as "ordinary" is a circular rationale and does not satisfy the requirements of MPEP §2141.03. For this reason, all the obviousness rejections are improper and should be withdrawn.

B. Bohorquez Reference

On page 7 of the Examiner's Answer, the response indicates that Bohorquez reads on the Appellant's offset voltage even though it is not named or described as an offset voltage. The rationale being allegedly based on the "similar ways they both are provided and their similar functions to drive printing elements through a feedback amplifier."

Appellant respectfully submits that having a feedback amplifier does not itself prove or disclose the operation of the Bohorquez circuit and thus does not establish that Bohorquez teaches or suggests the recited printhead of claim 1 comprising a power regulator and the claimed offset voltage. Additionally, none of the previous Office Actions provide any evidence that establishes that Bohorquez has "similar functions to drive printing elements." The rejections only cite to alleged features that purportedly correspond to the recited elements, which does not prove how Bohorquez operates and thus does not prove the similarities in functions.

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Therefore, Appellant maintains that it is only speculation to assume that an offset voltage is taught or suggested by Bohorquez. More likely, hindsight is being used to find features in the reference that are not disclosed. In either case, Bohorquez fails to support the rejection and the rejection cannot stand without an actual teaching or suggestion of the claimed elements.

Regarding the Examiner's response to the "directly connected" issue, Appellant repeats the arguments of the Appeal Brief. Appellant further maintains that directly connecting the power control 20 (Figure 3) of Bohorquez to the power supply does not miraculously re-configure the power control 20 to provide non-existent and undisclosed functions, namely, providing an offset voltage. One of ordinary skill in the art would find no teaching, suggestion, or motivation to make such a modification and even if made, there is no teaching or suggestion of how the claimed power regulator results from the modification. Therefore, Bohorquez fails to support a proper obviousness rejection and the rejection cannot stand. Combining Suzuki with Bohorquez thus fails to cure the deficiencies of Bohorquez.

C. Suzuki Reference – U.S. Patent 4,514,737

Regarding Suzuki, the Examiner's Response on page 8, third paragraph, indicates:

"...the examiner cites that Suzuki was only used to suggest the connection between the power regulator and the internal power supply path. The examiner did not rely upon Suzuki for providing an offset voltage..."

This statement supports Appellant's position that Suzuki fails to teach or suggest an offset voltage as recited in the various claims. Furthermore, combining Bohorquez with Suzuki fails to teach or suggest the claims. As previously explained, Appellant submits that merely making a direct connection between the power supply path and the power control 20 (see Bohorquez, Figure 3) fails to teach or suggest how the power control 20 is somehow re-configured to have a non-existent function that provides an offset voltage. Thus, the claimed power regulator is not taught or suggested by the references, alone or in combination, and the rejection cannot stand.

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Appellant further maintains that Suzuki operates quite differently from Bohorquez and thus there is no teaching, suggestion, or motivation to modify the references as proposed by the rejections. Suzuki teaches a microcomputer 30 that produces a "drive pulse signal p" (Suzuki, col. 6, lines 59-61; see Figure 10). The operation of Suzuki has been explained in the Appeal Brief and previous responses and shows that Suzuki drives its circuit with a different function, in a different way, and produces a different result.

Thus, one of ordinary skill in the art would understand that Bohorquez and Suzuki do not have the same drive control. Accordingly, a prima facie obviousness rejection cannot be established by selecting desired connections from different circuits to construct a claim without a justified rationale. For this additional reason, the references fail to support a proper obviousness rejection and the rejections must be reversed.

D. Advisory Action and Claim Definitions

Appellant respectfully maintains the arguments under Section IV of the Appeal Brief. Appellant believes the interpretations and rationale applied to the claim terms is not supported by applicable obviousness standards or case law. Thus, the interpretations do not salvage the rejections and do not give substantive weight for the "inherency argument" of the Advisory Action. The references do not inherently teach the present claims. Accordingly, the references alone or in combination fail to teach or suggest the present claims and the rejections should be reversed.

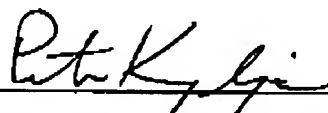
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Conclusion

Applicant respectfully maintains all previous arguments and grounds for appeal. Accordingly, Appellant respectfully requests that the Board of Appeals overturn all rejections and allow all pending claims.

Respectfully submitted,

July 11, 2006
Date



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